

November 1, 2019

MuckRock News
DEPT MR 82326
411A Highland Ave
Somerville, MA 02144-2516

Subject: Public Record Request Response

Dear Beryl Lipton,

This is in acknowledgement of the receipt of your public records request via email. I received your email on October 28, 2019. You requested access to the following items:

- All policies guiding law enforcement response to incidents of domestic violence, as well as all available reports and statistics regarding the number of related calls for this type of disturbance or crime for the period from January 1, 2018 through September 30, 2019. If incidents of this sort are categorized under a particular type or incident type number, provision of the proper record keeping terminology would be appreciated.

- All policies, disciplinary procedures, reports, reporting requirements, or available statistics regarding the alleged or actual act of domestic violence (also known as intimate partner abuse) committed in any form by an employee or member of this law enforcement agency

Regarding your request for policies, our five department policies that address domestic violence are attached. See policies O211, O211.a, O211.b, O211tb1, O211tb3, and P251tb1.

Regarding your request for all available reports and statistics regarding the number of related calls, we have provided two documents. At the conclusion of each calendar year, our Domestic Violence Supervisor creates a single-page document that includes summary data for the previous year's domestic violence incidents. The document for 2018 is attached. You requested data through to September 30, 2019. Because the annual report is not completed until the end of the year, we have provided a document with incident-level data for the entirety of the time period that you requested. Protected information has been redacted. See attached.

Regarding your request for policies and disciplinary procedures related to employee involvement in domestic violence, our related policies are attached. See policies P251, P251.a, and P250.

Regarding your request for reports or available statistics regarding the alleged or actual act of domestic violence committed by an employee of NPD, your request for these records is denied. The information is being withheld pursuant to the following exemptions of the Public Records Law under Massachusetts General Laws, Chapter 4 s. 7 (26):

Exemption (a): This exempts any material that is prohibited from being released by law; "specifically or by necessary implication exempted from disclosure by statute." The requested

records include allegations of domestic violence. Per G.L. c. 41, § 97D, all domestic violence reports are confidential communications. These reports and associated documents can only be released to the victim, victim's attorneys, and a few select others. The following is an excerpt from our internal policy regarding the release of reports that involve domestic violence:

"Reports/communications from a victim of abuse perpetrated by a family/household member (MGL. 209A, s. 1 definition) are confidential and will be documented in a separate log. This includes any information concerning responses to reports of domestic violence as well as any entry concerning the arrest of a person for assault, assault and battery or violation of a protective order where the victim is a family or household member as defined in MGL 209A, s.1."

Exemption (c): This exempts "personnel and medical files or information; also any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy." This case involves the personal and private medical records of one or more of the parties involved. The case also involves intimate details of a highly personal nature.-

950CMR 33.16- Invasion of Personal Privacy states: "Personal data, the disclosure of which may constitute an invasion of personal privacy, is not a public record. It is an invasion of personal privacy under M.G.L. c. 214 § 1B, as appearing in St. 1973, c. 1114&62, to disclose personal data where such disclosure will result in an unreasonable, substantial or serious interference with the privacy of a subject unless the data subject consents. This case involves material related to two adults and two minor children. Disclosure of report information would be an invasion of the personal privacy of the four people involved and has a substantial likelihood of negatively impacting their school, work, and personal lives. Disclosure of reports of domestic violence would constitute an unreasonable and serious interference with the privacy of the domestic violence victim and any minor children who may be impacted by such violence.

As you know, we are a department that has been very forthcoming with public records requests and we strive to be as open and transparent as we can be. However, the law prohibits us from releasing the documents that you are requesting.

You have the right under Massachusetts General Law Ch. 66 s. 10 (b) and 950 CMR 32:00 to petition the supervisor of public records (Office of the Secretary of the Commonwealth) for review of your request. The petition must be in writing and be made within 90 days of the date of this notice.

Sincerely,

Chief Jody D. Kasper

On behalf of the Keeper of the Records

cc: Records Supervisor Jane A. Lawnicki